those cast by the male voters, with the result that the election failed. The vote in favor had to be "a majority of all the electors voting at such election." *Held*, that the vote of the women was merely advisory and was properly excluded in considering the final result, since the statute required a majority of all the electors. The definition of "electors" as set down in the Constitution included males only. *Sears* v. *City of Maquoketa*, (Iowa, 1918), 166 N. W. 700.

Though the decision is unfortunate there seems to be no authority to the contrary. "Electors" has a technical meaning as the opinion indicates: a person possessing the qualifications fixed by the Constitution, and duly admitted to the privileges secured and prescribed in that instrument. The principle is that whenever the Legislature employs the word "electors" without qualification it is assumed to have reference to persons authorized by the Constitution of the State to exercise the elective franchise. *McEvoy* v. *Christensen*, 159 N. W. 179 (Iowa). The trouble usually arises because the Constitution designates the elective franchise in male citizens. But where the Constitution entrusted the creation of school districts to the Legislature the constitutional qualifications did not bar women's votes, since these elections would not involve the election of constitutional officers. *Belles* v. *Burr*, 76 Mich. 1. Where women could vote on questions of policy and administration, a woman who was a registered pharmacist could not obtain a pharmacist's license to retail intoxicating liquors since the statute gave such permission to "qualified electors" only; and this included only males under the Constitution. *In Re Carragher* 149 Iowa 225, Ann. Cas. 1912 C, 972, 31 L. R. A. (N. S.) 321. It has also been *held* that women who could vote did not have to register where the statute required registration of electors. *Wagar* v. *Prindeville*, 21 N. D. 245. Nor were women allowed to vote where the clause in the Constitution read that the officers hereafter to be created "shall be elected by the people" since there was another clause which read that only males could vote "for all officers that now or hereafter may be elective by the people." *In the Matter of Cancellation of Names from the Registry* 5 Misc. (N. Y.), 375. See also *State ex rel. Allison* v. *Blake*, 57 N. J. L. 6, 25 L. R. A. 480. The principal case is a rather novel one in that the women were actually given the vote but owing to the language of the statute it would have to be considered ineffective. The Legislature could have avoided the absurd result reached in this case by using the word "voters" instead of "electors" or by some other more general term. *Olive* v. *School District*, 86 Neb. 135, 27 L. R. A. (N. S.), 523. It would almost seem that the Legislature intended to "make a promise to the ear and break it to the hope." *Hall* v. *City of Madison*, 128 Wis. 132. The holding of the court that the vote was only advisory hardly seems justified since the advice could not be effective until the election would be concluded, when the advice could be to no purpose.

EXTRADITION—PERSONS IN CUSTODY.—Appellant's husband was convicted of a criminal offence in Oregon and sentenced to imprisonment in the state penitentiary. He was released on parol, being forbidden to leave the

state and being required to report by letter at least once a month to the circuit judge. While on parol he was arrested under a warrant issued by the Governor of Oregon, directing his extradition to California to answer to a charge of forgery there pending against him. Appellant instituted *habeas corpus* proceedings to secure the discharge of her husband,basing her claim on a statute which provided that one in custody upon conviction of crime cannot be delivered up until legally discharged therefrom. *Held,* the prisoner could not be extradited. *Carpenter* v. *Lord,* (Ore., 1918), 171 Pac. 577.

The duty of the governor of a state to deliver up a fugitive from justice, charged with crime in another state, and demanded by the executive authority thereof, is imperative. SPEAR, EXTRADITION, 243. If, however, at at the time of the demand for extradition, the accused is held in custody on a criminal charge in the state to which he has fled, he need not be surrendered till the judgment of that state is satisfied. *Taylor* v. *Taintor,* 16 Wall. 366. The cases seem to hold that a prisoner on parol is still in the custody of the state. *Drinkall* v. *Spiegel,* 68 Conn. 441; *Hughes* v. *Pflanz,* 71 C. C. A. 234. But whether the governor of the asylum state may waive the claims of its courts to the control of the fugitive is still an open question. In some cases involving, it is true, the extradition of persons at large on bail, it has been held that the governor has the power to waive the claims of his state in favor of those of a sister state, and the reasoning of the court would seem to be equally applicable to the situation presented in the instant case. *State* v. *Allen,* 2 Humph. (Tenn.) 258; *In re Hess,* 5 Kan. App. 763; *People* v. *Hagan,* 34 Misc. 85. Other courts, conceding the power of the asylum state to waive its rights, have held that it is not a matter for the executive branch of the government. *Hobbs* v. *State,* 32 Tex. Cr. App. 312; *Opinion of the Justices,* 201 Mass. 609. The majority of the court in the present case, in holding the governor bound by a statute declaring the adjudication of a person's legal condition conclusive, have evidently treated the matter as within the province of the legislative department.

FOOD—SALES—LIABILITY TO THIRD PARTIES.—Pork sausage infected with trichinae was sold by the defendant to a retail dealer. The retailer sold it to H., in whose home the plaintiff was employed as a domestic. The plaintiff ate of the sausage and became ill. She sued, claiming that the defendant was guilty of negligence, in that the meat had not been thoroughly inspected. *Held,* for defendant, that while negligence of a manufacturer in the preparation of an article of food is actionable by persons who suffer therefrom, there was no negligence here, since it was not certain that even a number of microscopic tests would have disclosed the fact of the disease. *Ketterer* v. *Armour & Co.* (C. C. A. 2nd Circ. 1917), 247 Fed 921.

Third persons cannot, in general, recover for injuries received because of negligence in the performance of a contract between two other persons, there being no privity of contract on which to base an action. *Winterbottom* v. *Wright,* 10 M. & W. 109; *Lydecker* v. *Board of Chosen Freeholders,* (—N. J.—), 103 Atl. 251. But in certain cases of sales, a remedy